05-12-04

Sustomer No.: 07278

Docket No.: 03818/100L650-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

n re application of:

Mladen Mercep, et al.

Serial No.:

10/615,716

Filed:

July 8, 2003

For:

NEW COMPOUNDS, COMPOSITIONS AND METHODS FOR TREATMENT

OF INFLAMMATORY DISEASES AND CONDITIONS

May 10, 2004 ·

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

- 1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:(Check one of the boxes A-D)
 - []A. Within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
 - [X] B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
 - [] C. after (A) and (B) above, but before the mailing date of a final rejection, a notice of allowance, or any other action that closes prosecution, and Applicants have made

the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- [] i. Counsel states that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- [] ii. A check for the fee set forth in 1. 17(p), presently believed to be \$180, is enclosed.
- [] D. after (A), (B) and (C) above, but before payment of the issue fee: Counsel states that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
 - [] i. A check for the fee set forth in 1.17 (p), presently believed to be \$180, is enclosed.
- 2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO/SB/08) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A, B and/or C and fill in blanks, if appropriate.).

[] A.	Pursuant to the Notice issued by the United States Patent and Trademark
	Office dated July 11, 2003 waiving the requirements of 37 C.F.R. §
	1.98(a)(2)(i), a copy/copies of the United States Patent on PTO/SB08
	is/are not being submitted.

- [] B. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
- [] C. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:

[SERIAL NO. & FILING DATE].

Applicant identifies these documents by attaching hereto copies of the forms PTO-892 and PTO/SB08 from the files of the prior application(s) or a fresh PTO/SB/08 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

[] 3. Document(s	s) are not in the English language. In accordance with
1.98(c), Applicant states	s:
th	n English translation of each document (or of the pertinent portions nereof), or a copy of each corresponding English-language patent or opplication is enclosed.
[] Â	concise explanation of the relevance of document(s) is found the attached search report (see MPEP § 609 A(3)x).
[] A	concise explanation of the relevance of document(s) is set orth as follows: [Insert concise explanation of relevance]
[] A	concise explanation of the relevance of document(s) can be bund on page(s) of the specification.
[] A	concise explanation of document(s) can be found on the trached sheet.
[] 4. No explanat	tion of relevance is necessary for documents in the English language (see
MPEP § 609 A(3)).	
[] 5. Other inform	mation being provided for the examiner's consideration follows: [A/An
Sea	arch Report, dated, which issued during the prosecution of
Applica	tion No which corresponds to the present application.]
6. In accordance	e with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be
construed as a represen	ntation that a search has been made or that information cited is, or is
considered to be, mater	rial to patentability as defined in §1.56 (b), or that any cited document
listed or attached is (or	constitutes) prior art. Unless other-wise indicated, the date of publication
indicated for an item is	taken from the face of the item and Applicant reserves the right to prove
that the date of publicati	on is in fact different.

CROSS REFERENCE UNDER 37 C.F.R. §1.78 TO RELATED APPLICATIONS

Pursuant to 37 C.F.R. § 1.78, Applicant not	es that the above-identified patent application
may be related to the following U.S. Patent Applica	ations:
(1) U.S. Patent Application Serial No	_, filed
Early and favorable consideration is earnest	ly solicited.
	Respectfully submitted,
May 10, 2004	FLIM BARRISON (53,970) S. Peter Ludwig Registration No. 25,351 Attorney for Applicants

DARBY & DARBY P.C. 805 Third Avenue New York, N.Y. 10022 (212) 527-7700



PTO/SB/08a/b (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
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Substitute for form 1449A/B/PTO

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Sheet

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

of

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Complete if Known			
Application Number	10/615,716		
Filing Date	July 8, 2003		
First Named Inventor	Mladen Mercep, et al.		
Art Unit	N/A		
Examiner Name	Not Yet Assigned		
Attorney Docket Number	03818/100L650-US1		

	U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		Number-Kind Code ² (if known)	MM-DD-YYYY	Applicant of Cited Document			
	AA	US-2004/0033969-A1	02-19-2004	Burnet et al.			
	AB	US-2004/0005641-A1	01-08-2004	Burnet et al.			
	AC	US-2001/0006962-A1	07-05-2001	Myhren et al.			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.1	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶		
	ВА	WO-97/41255	11-06-1997	Massachusetts Institute of Technology	a visita in vigareo y ppear			
	BB	WO-00/64882	11-02-2000	Glaxo Group Ltd.				
	BC	WO-99/64040	12-16-1999	Advanced Medicine Inc.				
	BD	WO-02/055531	07-18-2002	Pliva d.d.				
	BE	WO-03/070254	08-28-2003	Sympore GMBH				
	BF	WO-03/070174-A2	08-28-2003	Sympore GMBH		П		
	BG	WO-03/070173-A2	08-28-2003	Sympore GMBH				
	ВН	EP-0 283 055	09-21-1998	Pliva Pharm & Chem Works		\Box		
	ВІ	EP-0 895 999	02-10-1999	Pfizer Products, Inc.				
	BJ	GB-2 327 084	01-13-1999	Merck & Co., Inc.				

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. See Kinds Codes of USPTO Patent Documents, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²		
	CA	Burnet et al., "Conjugates of biologically active compounds, methods for their preparation and use, formulation, and pharmaceutical applications thereof," U.S. Provisional Application No. 60/357,789, filed February 15, 2002.			
	СВ	Brandt-Rauf et al., "Fluorescent Assay For Estimating the Binding of Erythromycin Derivatives to Ribosomes," Antimicrobial Agents and Chemotherapy, American Society for Microbiology, Washington, D.C., 14(1):88-94. (1978).			

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner	Date		
0!	10000	Į.	
Signature	Considered		
			

^{&#}x27;Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Application No. (if known): 10/615,716

Attorney Docket No.: 03818/100L650-US1

Certificate of Express Mailing Under 37 CFR 1.10

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